

JAMES BANKS
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IN PROPER PERSON

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES VINCENT BANKS,

Plaintiff(s),

-VS-

LAS VEGAS METROPOLITAN POLICE

DEPARTMENT,

Defendant(s).

CASE NO. 2:22-cv-01413-CDS-EJY

PLAINTIFF'S MOTION TO EXTEND
TIME TO FILE AN OBJECTION TO
THE COURTS ORDER,REPORT
AND RECOMMENDATIONS (ECF
NO. 11)

COMES NOW, PLAINTIFF, by and through the undersigned Authorized Representative, proceeding IN PROPER PERSON, pursuant to Fed.R.civ.p 6(b)2 and moves the court for an order granting an 15 day extension of time to file an objection to the courts order,Ecf No.11(Report and Recommendation) issued by the court due to plaintiff's alleged failure to file a timely notice of change of address and notice of current address with court (See Order,ECF NO. 9). The request to extend time is necessary due to the fact that plaintiff had broke in part his government issued phone on november 19, 2022 to where the phone had multiple malfunctions with the service and use such as the wifi and mobile hotspot in order to internet access. Then

just recently on February 7th,2023 plaintiff broke is phone completely to where it was not operable for use. Plaintiff had to purchase a new iphone on February 8th,2023 and had trouble getting the hotspot and wifi on his new iphone 14 max pro 5g service to work due to the internet service being down and not completely working to where plaintiff could use the internet wifi and mobile hot spot on his new smartphone to email legal documents to the courts to file a timely objection to the courts order constituting good cause and excusable neglect. Further plaintiff is unable to transfer legal documents from his old smart phone into his new iphone to upload them as a document to email to the district court for filing, constituting good cause and excusable neglect. Further shortly before filing this instant motion to extend time plaintiff has managed to get his internet wifi mobile hotspot to work on His new iphone to mail off legal documents to court for timely filing. Plaintiff will need more time due to the legal documents are incomplete needed to file in court. This motion is made in good faith and not meant to delay and mislead the court.

DATED THIS 10th DAY of FEBRUARY,2023

/s/: JAMES BANKS
James Vincent Banks
Plaintiff-PRO SE COUNSEL

A. PROCEDURE HISTORY SUMMARY

ON November 3, 2023 , the court issued an Screening Order allowing certain claims to proceed against Defendants Okad, myer, cardenas, franklin, joshua,flitcraft, imperial, and john doe officer.ECF NO. 6. In that order the court required the Clerk of court to forward eight usm-285 forms to plaintiff with a return date of December 5, 2022 for such forms (ECF No. 9,p.1). NO forms was delivered by the plaintiff and the court determined that plaintiff may no longer be living at the rosewood address.id. In the courts order ,ecf no. 9 it gave plaintiff until January 23 to file a notice of change of address notice of current mailing address so the defendants in the case can be served.

The court issued an order report and recommendation ECF NO, 11.

Legal Argument

The court should grant an extension of time due to phone break and plaintiff having to buy a new phone and poor internet connection in the area plaintiff lives resulting in multiple hours spent for him trying to get the internet to work

Conclusion

For good cause shown the court should grant an extension until february 28th 2023

Respectfully submitted this 10th day of february.

/s/ James banks
Pro se counsel

IT IS SO ORDERED.


U.S. MAGISTRATE JUDGE

Dated: February 13, 2023